

Mount Vernon Planning and Zoning Commission
Minutes
June 13, 2012
City Hall Council Chambers, 6:30 PM

Meeting was called to order by Rich Hileman at 6:33 p.m. Members present: Rich Hileman, Trude Elliott, Truman Jordan and Dick Peterson. Absent: Dave Davis. Also in attendance: City Administrator/Interim Zoning Administrator, Michael Beimer, City Attorney, Robert Hatala, Attorney for ABCM Corporation, Bill Prowell, Denny Dietrich and Bill Lange.

1. Approval of Agenda and May 9, 2012 minutes. These documents stand approved unless otherwise indicated by Commission members.
2. Open Forum: each citizen limited to 5 minutes per discussion item.
3. Public Hearing on request for conditional use permit for Hallmark Care Center. Discussion and possible action. Peterson made a motion to open public hearing, seconded by Elliott. Carried all. ABCM attorney Bill Prowell addressed the commission and explained some of the items before them for discussion. He said that they had submitted everything that was asked for. The only thing that they had not responded to was the City's request that they combine the two lots in question. One of the lots is occupied by the assisted living facility, the newer part on the west side and the other is the original nursing home as updated over time. ABCM is not anxious to combine the two lots because it is easier for them to deal with the two facilities separately. They would request that the lots not be combined and that not be part of the process. Hileman said that the only thing that he could see that needed to be addressed was the parking requirement, which has been met by additional parking spaces. Bill Lange said he was concerned about how close the building was going to be to the property line. Hileman said that the proposed addition is set back 10', which meets the requirements. There were no further comments from the public. Hileman closed the public hearing. Elliott asked if they were tearing down and adding on or just adding on. Bill Prowell responded that to his knowledge, it there was only the addition going up, no teardown. Chamberlain asked if the driveway was going to be extended into the property of Gary's Foods. Denny Dietrich said that the driveway would stay the same. Prowell said that in the list of items asked for from the City, the only thing that they weren't inclined to do was combine the two lots. He wants to make sure that when it comes to Board of Adjustment they understand that ABCM does not want to do that at this time. Hileman responded that that issue was not within the scope of Planning and Zoning's review. Elliott asked City Administrator Mike Beimer what the reason was for that request from the City. He responded that it was probably because

- the application for expansion, if you look in the zoning ordinance, nursing care was not a permitted use, it's a conditional use so the theory is that if it is the expansion of an existing use, it was possibly non compliant. It was determined that the combining of the two lots was a non issue in this circumstance. After no further discussion, Peterson recommended the conditional use permit for the expansion be approved and passed on to Board of Adjustment for review. Seconded by Elliott. Carried all.
4. Update from Carol Chamberlain on training session that she attended for board and commission members. Chamberlain said that she had attended the May 23rd training session that the City arranged for board members. There were three people from Board of Adjustment, one from Parks and Recreation and Chamberlain in attendance at the meeting. Jeff Schott with the University of Iowa gave the presentation. Mainly addressed were the conditions when a committee or board goes into executive (closed) session. If any board ever goes into executive session, someone must take hand written minutes and there must be a recording of the meeting and all proceedings. The handwritten minutes and the tape are put into a sealed envelope and kept in case of future litigation. Violations of open meetings law were also discussed. Board members can be personally fined if they violate this law.
 5. Zoning Administrator Report. City Administrator Mike Beimer informed the commission that he would be the interim Zoning Administrator, after the resignation of Perry Gruver. Full report available at City Hall.
 6. Old Business. Beimer said that there will be discussions on having the sound system in the Council Chambers upgraded in the near future.
 7. New Business. Peterson asked about the status of the lighting ordinance. Hileman said that he still needs to get it to Randy Nicol for review and will talk to Perry Gruver about whether he is willing to give input as well. Hileman said that it might be necessary to have someone give more detailed technical advice.
 8. Adjournment.

Meeting adjourned at 7:28 p.m.

Respectfully submitted,
Marsha Dewell
Administrative Assistant

